

Name: _____

Social Security Number: _____

EXHIBIT 3

To: **AMTRAK SETTLEMENT FUND**

CLAIM FORM

Part A

TODAY'S DATE: _____, 1999

PLEASE REVIEW CAREFULLY ALL INFORMATION ON THE ADDRESS LABEL BELOW THIS DIALOG BOX. IF ANY OF THE INFORMATION ABOUT YOUR NAME, ADDRESS OR SOCIAL SECURITY NUMBER ON THE ADDRESS STICKER IS MISSING, OUTDATED, OR INACCURATE IN ANY WAY, PROVIDE THE CORRECT INFORMATION BELOW IN RESPONSE TO QUESTIONS 1, 2, 3, AND 9.

IF ALL OF THE INFORMATION ON THE ADDRESS LABEL BELOW IS COMPLETE, CURRENT, AND CORRECT, CHECK THIS BOX: ☐

READ THE INSTRUCTIONS FORM FULLY BEFORE YOU BEGIN
(Please print clearly or type.)

1. NAME: _____
(First) (Middle) (Last)
2. STREET ADDRESS: _____ APT. NO. _____
3. CITY: _____ STATE: _____ ZIP CODE: _____
4. HOME PHONE (INCLUDE AREA CODE): _____
5. WORK PHONE (INCLUDE AREA CODE): _____

Name: _____

Social Security Number: _____

6. DATE OF BIRTH: _____ / _____ / _____

(Month) (Day) (Year)

7. RACE: _____

8. SOCIAL SECURITY NUMBER: _____

9. If your name has changed since you were employed by, or applied to, Amtrak, what was your name when you left Amtrak's employment, or filed your application or resume for employment?

10. I am filing this Claim Form:

- a) ☐ Because I am Black
- b) ☐ Because I am a Plaintiff
- c) ☐ Because I am both Black and a Plaintiff
- d) ☐ NONE OF THE ABOVE

AND

- e) ☐ I applied for a job not covered by a collective bargaining agreement ("management position") at Amtrak, but was not selected.
- f) ☐ I was hired into a job that was different from the management position I applied for.
 - i) ☐ The position I was hired into was a management position.
 - ii) ☐ The position I was hired into was not a management position.
- g) ☐ I was fired and/or suspended from a management position.
- h) ☐ I experienced harassment or retaliation while employed in a management position.
- i) ☐ I was denied the opportunity for promotion within the management position ranks or to a management position.
- j) ☐ I am or was an employee in a management position and was paid less than white employees in similar positions.

Name: _____

Social Security Number: _____

k) ☐ Other (*specify*): _____

l) I am currently employed by Amtrak:

☐ Yes ☐ No Hire Date: _____

11. IF YOU ARE OR WERE EMPLOYED BY AMTRAK, STATE YOUR CURRENT OR LAST:

a) Job Title and Pay Grade: _____

b) Department Name: _____

c) Employment Status:

☐ I am, or when I left Amtrak was, in a position that was covered by a collective bargaining agreement with the _____ Union.

☐ I am, or when I left Amtrak was in a management position that was not covered by a collective bargaining agreement.

d) Departure Date (*if applicable*): _____

12. I helped with the prosecution of this litigation in the following way(s):

☐ I am a named Plaintiff.

☐ I participated in the initial press conference.

☐ I provided documents to Class Counsel concerning my claims or the claims of the class.

☐ I referred other class members to class counsel. Who? _____

☐ I attended one or more negotiating sessions between Class Counsel and Amtrak's lawyers.

☐ I provided a written statement to Counsel supporting the litigation and describing my claims.

☐ Other: _____

Name: _____

Social Security Number: _____

IF YOU BELIEVE YOU HAVE A CLAIM AS A CURRENT OR FORMER AMTRAK EMPLOYEE WHO HELD A MANAGEMENT POSITION AND WAS SUBJECTED TO RACIAL DISCRIMINATION WHILE IN THAT MANAGEMENT POSITION, FILL OUT PART D.

IF YOU ARE OR WERE A NON-MANAGEMENT (UNION) EMPLOYEE AT AMTRAK AND YOU BELIEVE THAT YOUR APPLICATION FOR A MANAGEMENT POSITION AT AMTRAK WAS DENIED FOR RACIALLY DISCRIMINATORY REASONS, FILL OUT PART C. (IF YOU STARTED OUT AT AMTRAK AS A NON-MANAGEMENT EMPLOYEE AND MOVED INTO MANAGEMENT, YOU MAY FILL OUT BOTH PARTS D & C IF, PRIOR TO BECOMING MANAGEMENT, YOU SUBMITTED APPLICATIONS FOR MANAGEMENT POSITIONS THAT YOU BELIEVE AMTRAK DENIED FOR DISCRIMINATORY REASONS AND, WHILE IN MANAGEMENT, YOU BELIEVE THAT YOU ALSO EXPERIENCED DISCRIMINATION. SIMILARLY, IF YOU STARTED OUT IN MANAGEMENT, EXPERIENCED DISCRIMINATION AS A MANAGEMENT EMPLOYEE, SUBSEQUENTLY TOOK A NON-MANAGEMENT POSITION, AND THEREAFTER APPLIED AND WERE NOT SELECTED FOR OTHER MANAGEMENT POSITIONS FOR REASONS THAT YOU BELIEVE WERE DISCRIMINATORY, THEN YOU MAY FILL OUT BOTH PARTS C & D.)

IF YOU WERE NOT AN AMTRAK EMPLOYEE OF ANY SORT, EITHER MANAGEMENT OR NON-MANAGEMENT, WHEN YOU APPLIED FOR AND WERE REJECTED FROM A MANAGEMENT POSITION(S), FILL OUT PART B.

WHEN YOU HAVE COMPLETED YOUR CLAIM FORM, PUT IT IN THE ENVELOPE, ADD POSTAGE AND **MAIL IT NO LATER THAN OCTOBER 29, 1999.**

YOU MUST KEEP US INFORMED ABOUT ANY CHANGE IN YOUR HOME ADDRESS. IF YOU DO NOT DO SO, AND WE CANNOT LOCATE YOU, YOU MAY LOSE YOUR CLAIM!

Name: _____

Social Security Number: _____

CLAIM FOR A CASH AWARD

PART B: **OUTSIDE (NON-AMTRAK) APPLICANTS** **REJECTED FOR MANAGEMENT POSITIONS**

ANSWER ALL OF THE QUESTIONS IN PART B IF YOU **APPLIED** FOR A MANAGEMENT POSITION AT AMTRAK BETWEEN JANUARY 1, 1995 AND SEPTEMBER 30, 1999, BUT DID NOT RECEIVE A JOB OFFER AND ARE SEEKING A CASH AWARD UNDER THE CONSENT DECREE.

**CLAIMS THAT AROSE BEFORE JANUARY 1, 1995 OR AFTER
SEPTEMBER 30, 1999, ARE NOT ELIGIBLE FOR
AN AWARD FROM THE SETTLEMENT FUND.**

**MONETARY AWARDS UNDER THIS PART CANNOT
UNDER ANY CIRCUMSTANCE EXCEED \$10,000**

Denial of Employment

1. If you applied for a management position at Amtrak between **January 1, 1995 and September 30, 1999**, but were not hired into such a management position, answer the following questions (a) through (p) with respect to each of the jobs you applied for since that date; if you applied for more than three jobs, you may add additional copies of the form or use additional sheets of paper. Put your full name and social security number on any additional page(s).

a)	Date of Application	Title
i)	Job #1: _____	_____
ii)	Job #2: _____	_____
iii)	Job #3: _____	_____

- b) I applied to Amtrak in response to an Amtrak advertisement for "help wanted" in a newspaper, an Amtrak telephone hotline listing, or other similar public information.

Name: _____

Social Security Number: _____

- i) Job #1: ☐ Yes ☐ No
ii) Job #2: ☐ Yes ☐ No
iii) Job #3: ☐ Yes ☐ No

c) I applied after I heard from another person that there was a job open at Amtrak.

- i) Job #1: ☐ Yes ☐ No
ii) Job #2: ☐ Yes ☐ No
iii) Job #3: ☐ Yes ☐ No

d) I never personally went to any Amtrak facility to apply.

- i) Job #1: ☐ Yes ☐ No
ii) Job #2: ☐ Yes ☐ No
iii) Job #3: ☐ Yes ☐ No

e) I submitted my application form or résumé in person at an Amtrak office.

- i) Job #1: ☐ Yes ☐ No
ii) Job #2: ☐ Yes ☐ No
iii) Job #3: ☐ Yes ☐ No

f) The only time I spoke with a person at Amtrak about my application or résumé was when I submitted the application or résumé.

- i) Job #1: ☐ Yes ☐ No
ii) Job #2: ☐ Yes ☐ No
iii) Job #3: ☐ Yes ☐ No

g) When I filled out my application, or returned to Amtrak at a later date, I had a job interview at the following location other than Amtrak's HR office. (BE AS SPECIFIC AS YOU CAN ABOUT THE LOCATION – for example, state the address of the office where you were interviewed.)

	<u>Amtrak Office</u>	<u>Other</u>
i) Job #1:	_____	_____
ii) Job #2:	_____	_____
iii) Job #3:	_____	_____

Name: _____

Social Security Number: _____

- h) The name of the person(s) (*if known*) to whom I spoke at the above location(s):

	<u>Name</u>	<u>Job of that Person</u>
i)	Job #1: (1) _____	_____
	(2) _____	_____
ii)	Job #2: (1) _____	_____
	(2) _____	_____
iii)	Job #3: (1) _____	_____
	(2) _____	_____

- i) If you talked to someone other than the HR Office receptionist about your job application or résumé, but weren't hired, what reason were you given for being turned down?

i) Job #1: _____

ii) Job #2: _____

iii) Job #3: _____

- j) I had prior experience in a job similar to that for which I applied at Amtrak:

i)	Job #1:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
ii)	Job #2:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
iii)	Job #3:	<input type="checkbox"/> Yes	<input type="checkbox"/> No

- k) Were you given any tests when you applied for the management position at Amtrak?

		<u>Type of Test</u>
i)	Job #1: <input type="checkbox"/> Yes <input type="checkbox"/> No	_____
ii)	Job #2: <input type="checkbox"/> Yes <input type="checkbox"/> No	_____
iii)	Job #3: <input type="checkbox"/> Yes <input type="checkbox"/> No	_____

- l) If you were given a test, did you pass the test?

i)	Job #1:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
ii)	Job #2:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
iii)	Job #3:	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Name: _____

Social Security Number: _____

m) Was the job filled by another person?

- i) Job #1: ☐ Yes ☐ No ☐ Don't Know
ii) Job #2: ☐ Yes ☐ No ☐ Don't Know
iii) Job #3: ☐ Yes ☐ No ☐ Don't Know

n) If so, how do you know that the job was filled by another person?

- i) Job #1 ☐ Amtrak told me. ☐ Friend/Relative told me.
☐ Other _____
ii) Job #2 ☐ Amtrak told me. ☐ Friend/Relative told me.
☐ Other _____
iii) Job #3 ☐ Amtrak told me. ☐ Friend/Relative told me.
☐ Other _____

o) If the job was filled by another person, complete the following for each job:

		<u>Person Who Filled Job</u>				<u>Race of Person Who Filled Job</u>			
		<u>Know</u>				<u>White</u>	<u>Black</u>	<u>Other</u>	<u>Don't</u>
i)	Job #1:	_____				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii)	Job #2:	_____				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii)	Job #3:	_____				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

p) I believe that Amtrak decided not to hire me in part because I am Black.

- i) Job #1 ☐ Yes ☐ No (If the answer is "yes," give basis for your answer below.)

ii) Job #1 ☐ Yes ☐ No (If the answer is "yes," give basis for your answer below.)

iii) Job #1 ☐ Yes ☐ No (If the answer is "yes," give basis for your answer below.)

q) I was unemployed for the following length of time after my unsuccessful application for a management position at Amtrak.

- i) Job #1: _____
ii) Job #2: _____
iii) Job #3: _____

Name: _____

Social Security Number: _____

Employed by Amtrak but not Assigned to Management Position Initially

2. If you were in fact hired by Amtrak, but not into a management position, and you contend that you were not hired into management in part because you are Black, answer the following parts a) through d).

- a) Instead of Job # _____ (indicate # 1, 2 or 3 from question 1 above), I was actually hired by Amtrak for the following non-management position.

(Title) / (Union) / (Location) / (Date) / (Salary)

- b) I was assigned to the management job for which I originally applied, or a different management position, within the following time period after beginning my employment (circle one):

☐ 0 - 6 months ☐ 6 - 12 mos. ☐ 1 - 2 years ☐ More than 2 years ☐ Never

- c) I believe that I would have made more income if I had gotten the management position for which I originally applied at Amtrak.

☐ Yes ☐ No

3. If you believe that you would have made more money had you been selected for any of the management positions that you've indicated above, **you must provide copies of tax returns or W-2 statements that you filed for the years since you applied. Are these forms attached?**

☐ Yes ☐ No

Prior Release of Claims

4. I have previously signed an acknowledgment, release, or other agreement and received cash or other relief from Amtrak, or I have had a claim finally adjudicated by a court or similar administrative forum in connection with an employment action(s) for which I am seeking compensation on this Claim Form.

☐ Yes ☐ No

If the answer is "yes," I received the following award of money and/or job relief as a result of:

The date I received the money from Amtrak was: _____

If you have adjudicated a claim, describe the forum and explain what the judge, jury or hearing officer determined:

5. Provide copies of documentation (a photo identification) showing you are Black.

Name: _____

Social Security Number: _____

IF YOU WERE NOT HIRED, OR WERE NOT HIRED INTO A MANAGEMENT POSITION AT FIRST, YOU MUST SUBMIT WITH THIS CLAIM FORM COPIES OF THE TAX RETURNS YOU FILED (OR SWORN STATEMENTS OF ALL INCOME YOU EARNED) FOR THE YEAR YOU WERE NOT HIRED AND FOR THE TWO YEARS FOLLOWING THAT YEAR. YOU MUST ALSO PROVIDE A COPY OF A PICTURE ID.

I AFFIRM, UNDER THE PAIN AND PENALTY OF PERJURY IF I AM UNTRUTHFUL, THAT THE FACTS I HAVE STATED IN THIS CLAIM FORM ARE TRUE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF CLAIMANT

DATE

I CONSENT AND AGREE TO ALLOW ACCESS TO ANY CONFIDENTIAL PERSONAL INFORMATION TO ANY EMPLOYEE OF SPRENGER & LANG IN CONNECTION WITH ITS INVESTIGATION OF THE ACCURACY OF THE FACTS REPRESENTED IN THIS CLAIM FORM. I UNDERSTAND THAT I MUST KEEP SPRENGER & LANG INFORMED ABOUT ANY CHANGE IN MY HOME ADDRESS. IF I DO NOT DO SO, I UNDERSTAND THAT I WILL NOT RECEIVE ANY AWARD THAT I MIGHT OTHERWISE BE ENTITLED TO RECEIVE.

SIGNATURE OF CLAIMANT

DATE

SIGN ON BOTH LINES ABOVE TO COMPLETE PART B.

WHEN YOU HAVE COMPLETED YOUR CLAIM FORM, PUT IT IN THE ENVELOPE, ADD POSTAGE AND MAIL IT NO LATER THAN OCTOBER 29, 1999.

Name: _____

Social Security Number: _____

Part C

REJECTED APPLICANTS FOR AMTRAK MANAGEMENT POSITIONS WHO WERE ALREADY EMPLOYED AT AMTRAK IN NON-MANAGEMENT (UNION) POSITIONS WHEN THEY APPLIED

ANSWER ALL OF THE QUESTIONS IN PART C IF YOU ARE SEEKING A CASH AWARD UNDER THE CONSENT DECREE. IF YOU NEED EXTRA PAGES TO PROVIDE ADDITIONAL INFORMATION, BE SURE TO PUT YOUR FULL NAME AND SOCIAL SECURITY NUMBER ON EVERY PAGE.

**CLAIMS THAT AROSE BEFORE JANUARY 1, 1995 OR AFTER
SEPTEMBER 30, 1999, ARE NOT ELIGIBLE FOR
ANY AWARD FROM THE SETTLEMENT FUND.**

1. I first began working for Amtrak

a) On this Date: _____
(Month) (Day) (Year)

b) In this Job: _____

c) In this Department: _____

d) This Job was:

i) ☐ Represented by _____ Union.

2. I first became a management employee at Amtrak on the following date (*if you never became management, skip this question*):

(Month) (Day) (Year)

Name: _____

Social Security Number: _____

3. If you were an Amtrak non-management employee and applied for a management position at Amtrak **between January 1, 1995 and September 30, 1999**, but you were not hired, please answer questions (a) through (m) below, with respect to each of the jobs you applied for since that date. If you applied for more than three jobs, you may add additional copies of this form or use additional sheets of paper. (Put your full name and social security number on any additional page(s).)

a) Date of Application:

i) Job #1: _____

iv) Job #2: _____

v) Job #3: _____

b) I applied to Amtrak in response to an internal Amtrak notice or posting of the management position vacancy:

i) Job #1: ☐ Yes ☐ No

ii) Job #2: ☐ Yes ☐ No

iii) Job #3: ☐ Yes ☐ No

c) I was granted the following type of interview regarding each of my applications for a management position:

i) Job #1: ☐ Personal Interview ☐ Telephone Interview ☐ No Interview

ii) Job #1: ☐ Personal Interview ☐ Telephone Interview ☐ No Interview

iii) Job #1: ☐ Personal Interview ☐ Telephone Interview ☐ No Interview

d) I had prior experience in a management position similar to the one that I applied for:

Type of Experience

i) Job #1: ☐ Yes _____ ☐ No

ii) Job #2: ☐ Yes _____ ☐ No

iii) Job #3: ☐ Yes _____ ☐ No

e) Were you given any tests when you applied for the management position at Amtrak?

Type of Test

i) Job #1: ☐ Yes ☐ No _____

ii) Job #2: ☐ Yes ☐ No _____

iii) Job #3: ☐ Yes ☐ No _____

Name: _____

Social Security Number: _____

f) If you were given a test, did you pass the test?

- i) Job #1: ☐ Yes ☐ No
ii) Job #2: ☐ Yes ☐ No
iii) Job #3: ☐ Yes ☐ No

g) Was the job filled by another person?

- i) Job #1: ☐ Yes ☐ No ☐ Don't Know
ii) Job #2: ☐ Yes ☐ No ☐ Don't Know
iii) Job #3: ☐ Yes ☐ No ☐ Don't Know

h) If so, how do you know that the job was filled by another person?

- i) Job #1 ☐ Amtrak told me. ☐ Friend/Relative told me.
☐ Other _____
ii) Job #2 ☐ Amtrak told me. ☐ Friend/Relative told me.
☐ Other _____
iii) Job #3 ☐ Amtrak told me. ☐ Friend/Relative told me.
☐ Other _____

i) If the job was filled by another person, complete the following for each job:

		<u>Person Who Filled Job</u>	<u>Race of Person Who Filled Job</u>			
			<u>White</u>	<u>Black</u>	<u>Other</u>	<u>Don't</u>
<u>Know</u>						
i)	Job #1:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii)	Job #2:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii)	Job #3:	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

j) Did Amtrak give you a reason for turning down your application after you were interviewed?

- i) Job #1: ☐ Yes ☐ No
ii) Job #2: ☐ Yes ☐ No
iii) Job #3: ☐ Yes ☐ No

k) If Amtrak provided you with a reason for turning down your application, please state that reason below:

- i) Job #1: _____
ii) Job #2: _____
iii) Job #3: _____

Name: _____

Social Security Number: _____

l) How much greater ***per year*** was the base salary of the job you were turned down for than the base salary of the job you held at the time of your application?

i) Job #1: ☐ \$0 - \$2,000 ☐ \$2,000 - \$5,000 ☐ \$5,000 - \$10,000 ☐ Over \$10,000

ii) Job #2: ☐ \$0 - \$2,000 ☐ \$2,000 - \$5,000 ☐ \$5,000 - \$10,000 ☐ Over \$10,000

iii) Job #3: ☐ \$0 - \$2,000 ☐ \$2,000 - \$5,000 ☐ \$5,000 - \$10,000 ☐ Over \$10,000

m) I believe that Amtrak decided not to hire me in part because I am black.

i) Job #1 ☐ Yes ☐ No (If the answer is "yes," give basis for your answer below.)

ii) Job #2 ☐ Yes ☐ No (If the answer is "yes," give basis for your answer below.)

iii) Job #3 ☐ Yes ☐ No (If the answer is "yes," give basis for your answer below.)

4. If you were later hired by Amtrak into a management position, but were rejected at least once before, fill in the following information.

a) I was eventually hired by Amtrak for the following **management** position on the following date.

(Title) / (Dept) / (Location) / (Date) / (Salary)

5. How much income have you earned from employment since the date you applied for the job(s) listed above (this includes income from Amtrak or any subsequent employment if you left Amtrak.)

☐ Less than \$10,000 ☐ \$10,001-\$15,000 ☐ \$15,001-\$20,000

☐ \$20,001-\$25,000 ☐ \$25,001-\$30,000 ☐ More than \$30,000

I believe that I would have made more income if I had gotten the management position for which I applied at Amtrak.

☐ Yes ☐ No

6. If you believe that you would have made more money had you been selected for any of the management positions that you've indicated above, **you must provide copies of tax returns that you filed for the years since you applied. Are these forms attached?**

☐ Yes ☐ No

Name: _____

Social Security Number: _____

Prior Release or Adjudication of Claims

8. I have previously signed an acknowledgment, release, or other agreement and received a cash amount or other relief from Amtrak, or I have adjudicated a claim in court or an administrative forum, in connection with an employment action(s) for which I am seeking compensation on this Claim Form.

☐ Yes

☐ No

If the answer is "yes," I received the following award of money and/or job relief as a result of:

The date I received the money from Amtrak was: _____

If you have adjudicated a claim, describe the forum and explain what the judge, jury or hearing officer determined:

IF YOU WERE NOT HIRED INTO A MANAGEMENT POSITION, EVER OR AT FIRST, AND ARE CLAIMING ECONOMIC DAMAGES, YOU MUST SUBMIT WITH THIS CLAIM FORM COPIES OF THE TAX RETURNS YOU FILED (OR SWORN STATEMENTS OF ALL INCOME YOU EARNED) FOR THE YEAR YOU WERE NOT HIRED AND FOR THE TWO YEARS FOLLOWING.

I AFFIRM, UNDER THE PAIN AND PENALTY OF PERJURY IF I AM UNTRUTHFUL, THAT THE FACTS I HAVE STATED IN THIS CLAIM FORM ARE TRUE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF CLAIMANT

DATE

Name: _____

Social Security Number: _____

I CONSENT AND AGREE TO ALLOW ACCESS TO ANY CONFIDENTIAL PERSONAL INFORMATION TO ANY EMPLOYEE OF SPRENGER & LANG IN CONNECTION WITH ITS INVESTIGATION OF THE ACCURACY OF THE FACTS REPRESENTED IN THIS CLAIM FORM. I UNDERSTAND THAT I MUST KEEP SPRENGER & LANG INFORMED ABOUT ANY CHANGE IN MY HOME ADDRESS. IF I DO NOT DO SO, I UNDERSTAND THAT I WILL NOT RECEIVE ANY AWARD THAT I MIGHT OTHERWISE BE ENTITLED TO RECEIVE.

SIGNATURE OF CLAIMANT

DATE

SIGN ON BOTH LINES ABOVE TO COMPLETE PART B.

WHEN YOU HAVE COMPLETED YOUR CLAIM FORM, PUT IT IN THE ENVELOPE,
ADD POSTAGE AND MAIL IT NO LATER THAN OCTOBER 29, 1999.

Part D

Name: _____

Social Security Number: _____

**CURRENT OR FORMER EMPLOYEES IN AMTRAK
MANAGEMENT POSITIONS WHO BELIEVE THAT THEY
EXPERIENCED DISCRIMINATION IN THEIR EMPLOYMENT**

ANSWER ALL OF THE QUESTIONS IN PART D IF YOU ARE SEEKING A CASH AWARD UNDER THE CONSENT DECREE. IF YOU NEED EXTRA PAGES TO PROVIDE ADDITIONAL INFORMATION, BE SURE TO PUT YOUR FULL NAME AND SOCIAL SECURITY NUMBER ON EVERY PAGE.

**CLAIMS THAT AROSE BEFORE JANUARY 1, 1995 OR AFTER
SEPTEMBER 30, 1999, ARE NOT ELIGIBLE FOR
ANY AWARD FROM THE SETTLEMENT FUND.**

Initial Job Assignment

1. I first began working for Amtrak
 - a) On this Date: _____
(Month) (Day) (Year)
 - b) In this Job: _____
 - c) In this Department: _____
2. I first became a management employee at Amtrak on the following date *(if your first job with Amtrak was a management position, duplicate your answer from above)*:

(Month) (Day) (Year)
3. When I first applied for management at Amtrak, the management job for which I expressed first preference during the application process was:

4. If you claim that you were not hired into the management job that you sought (or identified in your

Name: _____

Social Security Number: _____

application or résumé) during the relevant time period (see instructions), you should answer the following questions (a) through (d).

- a) The management job I sought at Amtrak (or identified in my application) was:

- b) The job I was hired for at Amtrak was:

- c) The reason I sought the management job identified on my application form or résumé (which was different from the job I was offered by Amtrak) was:

- d) I transferred to the original job I sought within Amtrak.

☐ Yes

☐ No

If yes, give date of transfer: _____

5. If you answered “No” to 4(d), answer whichever of the following is applicable:

- a) I have not tried to transfer to the original management job I sought within Amtrak because:

- b) I tried unsuccessfully to transfer to the management job I originally sought and was not transferred because:

- c) ☐ The annual salary of the desired job is greater than the job I was assigned by at least \$5,000 annually.

Name: _____

Social Security Number: _____

Promotions or Transfers within Management

6. If you were employed by Amtrak and you believe that you were unfairly denied **promotion or transfer from one management position to another management position** because of your race during the relevant time period (see instructions), answer all of the following questions:

	<u>Job and Salary of Job Denied</u>	<u>Date of Denial</u>	<u>Job Title Held on that Date and Salary of Job Held on that Date</u>
a)	_____	_____	_____
b)	_____	_____	_____
c)	_____	_____	_____
d)	_____	_____	_____

7. For each of the management positions you claim in Question 6 that you were denied, identify the person who **received** the job by name and race, if you know.

	<u>Name of Person</u>	<u>Race: (check one)</u>			<u>Prior Status: (check one)</u>	
		<u>Black</u>	<u>White</u>	<u>Other</u>	<u>Management</u>	<u>Non-Management</u>
a)	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. For each of the management positions you claim in Question 6 that you were denied, what reason did Amtrak provide for denying it to you (*check applicable box for each job*):

		<u>JOB 1</u>		<u>JOB 2</u>		<u>JOB 3</u>		<u>JOB 4</u>	
		<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
a)	Inadequate Prior Job Appraisals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Disciplinary Records	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Qualification/Experience	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	No Reason Given	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. For each of *the* management jobs you list in Question 6, state the reason you believe it was discriminatorily denied to you:

a) Job #1: _____

Name: _____

Social Security Number: _____

b) Job #2: _____

c) Job #3: _____

d) Job #4: _____

10. Did you complain about the denial of a transfer or promotion to a management position?

a) Job #1 ☐ Yes ☐ No

b) Job #2 ☐ Yes ☐ No

c) Job #3 ☐ Yes ☐ No

d) Job #4 ☐ Yes ☐ No

11. If you complained about any of the denials of transfers or promotions, for each one, state how you complained and the result:

Employed But Did Not Receive Equal Pay

12. I am or was an Amtrak employee in a management position and I believe that I was not paid fairly during the following years, and in the following position(s) because of my race:

a) I believe I was not paid fairly because of my race for the following reasons:

☐ My management performance appraisal was lower than it should have been.

☐ My management job was assigned the wrong grade.

☐ Other (*Explain*): _____

b) The reason I believe I should have been paid more is: _____

Name: _____

Social Security Number: _____

- c) I was paid \$ _____ *per year*. I believe I should have been paid \$ _____ *more per year*.
- d) I can provide the name of white employees in similar circumstances, in terms of job, education, location, responsibility, and year, who were paid more. Their names, job titles and circumstances that were similar to mine are below:

Employed but Experienced Unwelcome Racial Language or Hostile Environment

13. Between the dates of ____ / ____ / ____ and ____ / ____ / ____ during the relevant time period (see instructions), I believe I was subjected to unwelcome or retaliatory racial language or conduct while working in a management position.

☐ Yes ☐ No ☐ Not Applicable

- a) The unwelcome racial language or conduct or retaliation I am referring to consisted of the following:

☐ Written Language ☐ Gestures ☐ Graffiti

☐ Verbal Language ☐ Other (*indicate*): _____

- b) This language or conduct occurred:

☐ Once ☐ 6 to 20 times

☐ 2 to 5 times ☐ Continuously and/or more than 20 times

- c) I reported this language or conduct or brought it to the attention of one or more of my supervisors, managers, or others in management:

☐ Yes ☐ No

- d) Name(s) and job title(s) of the person(s) who engaged in the unwelcome racial conduct or used unwelcome language:

Name(s): _____

Job Title(s): _____

Name: _____

Social Security Number: _____

- e) Name and position of supervisor/manager to whom you reported one or more incidents referred to above, and the date of report:

Name: _____

Job Title: _____

Date of Report: _____

Result of Report: _____

- f) Describe the retaliation or unwelcome racial conduct or language *in 25 words or less*:

Termination or other Involuntary Discipline

14. If you believe you were unfairly disciplined by Amtrak during the relevant time period (see instructions), answer the following questions. (If your discipline was converted to a termination, list it as a termination in response to Question 20 and not here.) For each disciplinary action, give the date, the result, and the reason Amtrak gave for its action. Use one of the following reason codes for the reason:

- a) 1. Poor Performance 5. Insubordination
 2. Attendance 6. Other (describe)
 3. Drug/Alcohol Use
 4. Allegation of Unlawful Conduct

	<u>Date</u>	<u>Discipline</u>	<u>Reason Code (see above)</u>
a)	_____	_____	_____
b)	_____	_____	_____
c)	_____	_____	_____

- b) As to each disciplinary action identified, state why you believe it was because of your race. Also provide the names and circumstances of any white employees who were treated differently. If you need more room attach another sheet, which includes your full name and social security number.

i) Discipline 1: _____

ii) Discipline 2: _____

iii) Discipline 3: _____

Name: _____

Social Security Number: _____

c) Did you file a complaint or otherwise legally challenge the discipline? *(Check a box.)*

What Resulted?

i)	Job #1	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
ii)	Job #2	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
iii)	Job #3	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____

15. If you were **in a management position** and fired by Amtrak during the relevant time period (see instructions), and believe it was unfair and based on your race, answer the following questions:

a) Give the date and the reason Amtrak gave for your termination. Use one of the following reason codes for the reason:

- | | |
|-----------------------------------|---------------------|
| 1. Poor Performance | 5. Insubordination |
| 2. Attendance | 6. Other (describe) |
| 3. Drug/Alcohol Use | |
| 4. Allegation of Unlawful Conduct | |

Date of Termination

Reason Code

Date of Reinstatement

(1) _____

b) As to the termination you listed above, state why you believe you were fired unfairly and why you believe it was based on your race:

Reason I Believe I Was Terminated:

c) Did you file a complaint about your termination?

d) ☐ Yes ☐ No Where & what resulted: _____

e) What was your pay grade or salary at the time you were terminated? _____

Name: _____

Social Security Number: _____

IF YOU WERE FIRED, YOU MUST SUBMIT WITH THIS CLAIM FORM COPIES OF THE TAX RETURNS YOU FILED (OR SWORN STATEMENTS OF ALL INCOME YOU EARNED) FOR THE YEAR YOU WERE FIRED AND FOR THE TWO YEARS FOLLOWING.

Involuntary Resignation

17. I resigned from Amtrak due to the following reason(s) (check one or more):

☐ Pay was too low ☐ I did not like the work ☐ I got a better job

☐ The working conditions were intolerable because I am Black.

☐ Other: _____

18. If you answered that the “working conditions were intolerable” to question 17, explain why you believe the conditions were intolerable and how they were related to your race, and provide the name(s) and position(s) of the offending supervisor(s). If you answered “other,” also explain your answer below.

19. Since I left Amtrak I have made more money than I would have if I had remained there.

☐ Yes ☐ No

If you answered “No,” the annual amount less and number of years:

Medical Effects of Discrimination

20. I went to a physician or other health care professional because of the effects on me due to any of the actions or conduct that I have alleged in this Claim Form that, I believe, may have been discriminatory:

☐ Once ☐ More Than Once ☐ Never

Doctor's Name: _____

Doctor's Complete Address: _____

Type of Medicine/Treatment Prescribed/Duration of Treatment: _____

Name: _____

Social Security Number: _____

Prior Release or Adjudication of Claims

21. I previously filed a charge of discrimination and/or lawsuit based on my race or color against Amtrak:

☐ Yes (*if yes, attach copies with this claim*) ☐ No

If yes, I received the following award of money and/or job relief as a result of that charge or lawsuit:

If you have previously adjudicated your claim, describe the forum and what the judge, jury or hearing officer determined:

22. I have previously signed an acknowledgment, release or other agreement and received a cash amount or other relief from Amtrak in connection with any employment action for which I am seeking compensation on this Claim Form.

☐ Yes ☐ No

If yes, I received the following award of money and/or job relief as a result of that charge or lawsuit:

The date I received the award from Amtrak was: _____

23. Provide a W-2 or other document reflecting that you were employed by Amtrak between January 1, 1995 and September 30, 1999.

I AFFIRM, UNDER THE PAIN AND PENALTY OF PERJURY IF I AM UNTRUTHFUL, THAT THE FACTS I HAVE STATED IN THIS CLAIM FORM ARE TRUE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF CLAIMANT

DATE

Name: _____

Social Security Number: _____

I CONSENT AND AGREE TO ALLOW ACCESS TO ANY CONFIDENTIAL PERSONAL INFORMATION TO ANY EMPLOYEE OF SPRENGER & LANG IN CONNECTION WITH ITS INVESTIGATION OF THE ACCURACY OF THE FACTS REPRESENTED IN THIS CLAIM FORM. I UNDERSTAND THAT I MUST KEEP SPRENGER & LANG INFORMED ABOUT ANY CHANGE IN MY HOME ADDRESS. IF I DO NOT DO SO, I UNDERSTAND THAT I WILL NOT RECEIVE ANY AWARD THAT I MIGHT OTHERWISE BE ENTITLED TO RECEIVE.

SIGNATURE OF CLAIMANT

DATE

SIGN ON BOTH LINES ABOVE TO COMPLETE PART D.

**PUT YOUR CLAIM FORM IN THE ENVELOPE,
ADD POSTAGE,
AND MAIL BY OCTOBER 29, 1999.**